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5 **UNITED STATES DISTRICT COURT**  
6 **NORTHERN DISTRICT OF CALIFORNIA**  
7 **SAN JOSE DIVISION**

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9 M. L.,

10 Plaintiff,

11 v.

12 LESLIE NICHOLS, et al.,

13 Defendants.

Case No. [15-cv-02303-BLF](#)

**ORDER SETTING SCHEDULE ON  
DEFENDANT HAMMON'S MOTION  
TO DISMISS**

[Re: ECF 33]

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15 On August 31, 2015, Defendant Hammon filed a motion to dismiss. ECF 33. Under the  
16 Civil Local Rules, Plaintiff's opposition would be due by September 14, 2015 and Defendant's  
17 reply would be due by September 21, 2015. Plaintiff is a minor who is represented by a guardian  
18 ad litem for purposes of this lawsuit. ECF 26. However, Plaintiff and his guardian ad litem have  
19 not yet retained counsel to represent Plaintiff. The Court has ordered Plaintiff and his guardian ad  
20 litem to retain a lawyer and have the lawyer make an appearance in this case by September 21,  
21 2015. ECF 26, 30.

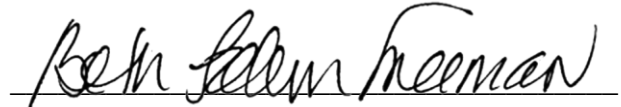
22 Accordingly, the Court modifies the briefing schedule for Defendant Hammon's motion to  
23 dismiss. The opposition to Defendant Hammon's motion to dismiss will be due by October 5,  
24 2015 and may only be filed by an attorney representing Plaintiff. The reply to Defendant  
25 Hammon's motion to dismiss will be due by October 12, 2015. The hearing on Defendant  
26 Hammon's motion to dismiss will be on December 10, 2015 at 9 a.m. The Court notes that the  
27 preceding schedule will only apply if Plaintiff retains counsel by September 21, 2015.

28 The Court reminds Plaintiff's guardian ad litem, Jack Loumena, that an attorney retained

by him must file a notice of appearance on or before **September 21, 2015** and Jack Loumena is forewarned that, if no lawyer makes an appearance in this case on Plaintiff's behalf by that date, then the Court may dismiss the case in its entirety without prejudice.

**IT IS SO ORDERED.**

Dated: September 1, 2015



BETH LABSON FREEMAN  
United States District Judge